

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

UNITED STATES OF AMERICA, : 22-CR-00473(DLI)

-against- : United States Courthouse
: Brooklyn, New York

Friday, August 2, 2024
2:15 p.m.

Defendant.

X

TRANSCRIPT OF CRIMINAL CAUSE FOR SENTENCING
BEFORE THE HONORABLE DORA L. IRIZARRY
UNITED STATES SENIOR DISTRICT JUDGE

APP E A R A N C E S:

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1 (In open court.)

2 THE COURTROOM DEPUTY: All rise.

3 (Judge DORA L. IRIZARRY entered the courtroom.)

4 THE COURT: Good afternoon. Please have a seat.

5 (Defendant entered the courtroom.)

6 THE COURTROOM DEPUTY: Criminal cause for a
7 sentencing, Docket Number 22-CR-473, United States versus Kara
8 Sternquist.

9 Please state your appearances.

10 MR. BUFORD: Good afternoon, Your Honor.

11 It's Turner Buford for the United States.

12 THE COURT: Good afternoon.

13 MR. BUFORD: And I'm joined at counsel table by
14 Officer Brian Woo from Probation.

15 USPO WOO: Good afternoon.

16 THE COURT: Good afternoon.

17 Please a seat.

18 MS. GLASHAUSSER: Good afternoon, Your Honor.

19 Allegra Glashausser representing Ms. Sternquist, who
20 is seated next to me.

21 THE COURT: Good afternoon to both of you.

22 I am going to ask everyone, please, to remain seated
23 for this proceeding.

24 Good afternoon to all of our observers in the
25 audience.

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1 We are here today for sentencing on Ms. Sternquist's
2 plea of guilty to Count Three of the Indictment. And it is my
3 practice that before we get into the sentencing hearing
4 proper, that I will explain how we are going to proceed during
5 the hearing.

6 I am sure, Ms. Sternquist, that your attorney has
7 explained to you what's going to happen today, but I just want
8 to make sure that you understand the process, and that it is
9 clear also for our observers in the audience.

10 So, the first thing that I will do is that I am
11 going to place on the record everything that I have received
12 and considered with respect to sentencing for two reasons that
13 are interrelated.

14 That is so that all of you are assured that I, in
15 fact, have received everything that I should have received in
16 consideration for sentencing; and related to that, so that all
17 of you are assured that all of you have received what I have
18 received, so we are all working with the same information.

19 Next, to the extent that there are any outstanding
20 objections to the pre-sentence report that don't require the
21 holding of a hearing, and I don't see anything here that does
22 require a hearing, I will resolve those outstanding objections
23 to the pre-sentence report.

24 Next, as I am required to do under the current state
25 of federal sentencing law, I will determine what the

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1 sentencing guideline range is that applies in this case.

2 Now, the sentencing guidelines have to be considered
3 under the current state of federal sentencing law, but they
4 are not binding. They are not mandatory. They are just the
5 starting point.

6 The Court has to consider policy considerations
7 within the guidelines, as well as any departures that there
8 might be within the guidelines, but the Court also has to
9 consider what are called 3553(a) factors, which I'm sure will
10 be discussed more during the hearing.

11 And because I have all these other things to
12 consider, I will then turn the floor over to the attorneys, so
13 that they can put on the record what their sentence
14 recommendation is and the reasons for it.

15 The law also gives you a right, Ms. Sternquist, to
16 make a statement prior to the imposition of sentence. And if
17 you wish to make a statement, I will be happy to give you that
18 opportunity.

19 So, it is not until all of that has happened that I
20 will impose sentence.

21 Do you understand that process, Ms. Sternquist?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: Thank you.

24 All right. So, this is what I have received and
25 there is quite a bit.

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1 There is the pre-sentence report, along with the
2 sentence recommendation from Probation that was disclosed
3 March 29th of 2024.

4 The Government's objections to the pre-sentence
5 report, dated April 11th of 2024.

6 Defendant's objections to the pre-sentence report,
7 dated April 12th of 2024, and there were a number of exhibits
8 that were attached to that document.

9 There is the Government's response to defendant's
10 objections to the pre-sentence report, dated April 26th of
11 2024.

12 Defendant's response to the Government's objections
13 to the pre-sentence report, dated April 26th of 2024.

14 The Government's reply to the defendant's letter of
15 April 26th of 2024.

16 And defendant's reply to the Government's
17 opposition, and that letter was dated May 3rd of 2024.

18 There is the addendum to the pre-sentence report
19 from Probation addressing the various objections that were
20 made to the pre-sentence report.

21 There is the Government's sentencing memorandum of
22 May 28th, 2024.

23 The defendant's sentencing memorandum, the -- a
24 request was made, and that was dated June 4th of 2024.
25 Request was made by the defense to file under seal, and that

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1 was request was granted.

2 There were a number of exhibits that were attached
3 to defendant's sentencing memorandum, including conversations,
4 notes of conversations with Ms. Sternquist, various letters
5 from supporters or character references for Ms. Sternquist.

6 Some portions of medical records. I know
7 Ms. Sternquist's records are quite voluminous, but there were
8 portions that were attached, as well as some photographs and
9 snapshots of Facebook posts and photographs of
10 Ms. Sternquist's condition.

11 In addition, on June 4th, there were additional
12 objections. This was to the addendum to the pre-sentence
13 report that was filed by defense counsel.

14 And on June 10th, there was a cover letter with
15 additional medical records that had just been obtained by
16 defense counsel.

17 And I believe those have been provided to Probation,
18 correct, Ms. Glashausser, the --

19 MS. GLASHAUSSER: I have --

20 THE COURT: -- those from June?

21 MS. GLASHAUSSER: I have provided Probation medical
22 records. He's nodding his head.

23 THE COURT: Okay.

24 MS. GLASHAUSSER: I just don't remember what date.

25 Thank you, Your Honor.

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1 THE COURT: All right. Okay. I just wanted to make
2 sure.

3 There was also a supplemental letter that was
4 provided by the defense. This was June 14th, one supplemental
5 letter from a character reference for Ms. Sternquist from
6 Hannah Simpson, along with some photographs; and as well as
7 additional argument by the defense in opposition to the
8 finding that defendant possessed a machine gun, under the
9 sentencing guidelines, based on a decision rendered by the
10 United States Supreme Court in Garland versus Cargill on that
11 date, June 14th of 2024.

12 In light of that letter, the Court had set a
13 briefing schedule for -- on that issue, and in response the
14 Government filed an opposition letter dated July 8th of 2024.
15 Defendant replied on July 15th of 2024. And there was a
16 second addendum to the pre-sentence report addressing the
17 Cargill issue and the other more recent objections that were
18 raised by the defense, and incorporating the supplemental
19 medical records that were provided.

20 Also to be attached to the Judgment and Commitment
21 Order is the Preliminary Forfeiture Order that was endorsed by
22 the Court on March 13th of 2024. There had been a briefing on
23 the issue of forfeiture, but that really does not affect us
24 here today.

25 That is everything that I have received in

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1 connection with sentencing.

2 Is that everything I should have from the
3 Government, Mr. Buford?

4 MR. BUFORD: Yes, Your Honor.

5 THE COURT: From Probation?

6 USPO WOO: Yes, Your Honor.

7 THE COURT: And, Ms. Glashausser, from the defense?

8 MS. GLASHAUSSER: Yes, Your Honor.

9 THE COURT: Thank you.

10 Ms. Sternquist, I know it's a lot of paper, did you
11 have an opportunity to review all of these with your attorney?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Are you familiar with the objections
14 that were made on your behalf to the pre-sentence report?

15 THE DEFENDANT: I think as much as I can, Your
16 Honor.

17 THE COURT: Okay. But you did discuss them with
18 your attorney?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. So, those objections aside,
21 taking into consideration the rest of what's in the
22 pre-sentence report, is there anything in there that you think
23 needs to be corrected?

24 THE DEFENDANT: No, Your Honor.

25 THE COURT: Okay. Thank you.

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1 The objections that were made to the pre-sentence
2 report, both on behalf -- taking together the objections made
3 by both the Government and the defense, were quite extensive
4 and I have to commend our Probation officer. I thought he did
5 a very thorough job of outlining everyone's position and
6 outlining the Government's response and reasons there for.

7 I have carefully reviewed the addendum to the
8 pre-sentence report and concur with the conclusions that were
9 made by Probation, and so -- for all of the reasons that were
10 stated therein. And I do note that that also did include not
11 only incorporating objections that were made by the
12 Government, but also certain objections that were made by the
13 defense.

14 So, the pre-sentence report is either not changed or
15 amended in accord with that addendum to the pre-sentence
16 report.

17 Now, with respect to the Cargill objections that
18 were raised, I did review all of the arguments that were made
19 by both sides, and I have also reviewed the addendum that was
20 prepared by Probation. Again, I do commend Probation for its
21 thorough addressing of the issue, and the additional -- and
22 incorporating all of the additional objections that were made.

23 And I do note that with respect to paragraphs 52,
24 57, 66, and 83, all of the corrections that were sought by the
25 defense will be incorporated in the pre-sentence report.

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1 I do agree with the ultimate conclusion by Probation
2 that is incorporated in the second addendum with respect to
3 the application of Cargill, and the position that's taken by
4 the Government that, in essence, Cargill really has no effect
5 here.

6 And I did just have a brief opinion that I wanted to
7 read into the record with respect to the issue, only because
8 this is a novel issue really.

9 So, for clarification, on June 14th of 2024,
10 Ms. Sternquist filed a letter objecting to the classification
11 of one of the firearms, which was Exhibit 22 here, as a
12 machine gun in light of the Supreme Court decision rendered
13 that date on -- in Garland versus Cargill, reported at
14 602 U.S. 406.

15 Defendant's document will be referred to as the
16 letter that's docket entry number 114.

17 The Government responded in opposition on July 8th,
18 and the defendant replied on July 15th.

19 Defendant's objection is overruled for the following
20 reasons:

21 As stated, at issue here is firearm, Exhibit 22,
22 which was examined by a firearms enforcement officer or FEO,
23 from the Bureau of Alcohol, Tobacco, Firearms and Explosives
24 or ATF.

25 The FEO observed that Exhibit 22 contains a

1 three-position safety selector allowing it to be placed in the
2 unmarked, automatic or 3 o'clock position, and in which
3 position Exhibit 22 function tests as a machine gun.

Exhibit 22 was assembled with an M-16 type bolt carrier, with the components to fire in three-round bursts.

The FEO conducted four test fires of Exhibit 22 in the automatic position. The first test successfully fired two rounds automatically, with a single pull of the trigger. The second and thirds tests only fired one round with a single pull of the trigger, but the FEO observed a light primer strike on the back of the unfired rounds. The fourth test resulted in only two rounds being fired automatically with a single pull of the trigger, with the third unfired round also having a light primer strike.

15 The FEO attributed the unfired rounds and the light
16 primer strikes to the hammer-follow design of the firearm,
17 which can prevent the hammer from striking with sufficient
18 force to detonate the primer of the cartridge.

19 Hammer-follow AR type firearms that shoot
20 automatically are classified as machine guns.

21 Taking all of this into consideration, the FEO
22 concluded that Exhibit 22 is a machine gun.

Defendant contends that Exhibit 22 should not be characterized as a machine gun following the Supreme Court's decision in Cargill. The Government opposes, arguing that

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1 Cargill has no bearing on the classification of Exhibit 22 as
2 a machine gun. Probation in its second addendum concurs with
3 the Government's conclusion, as does this Court.

4 A machine gun is defined as "any weapon which
5 shoots, is designed to shoot or can be readily restored to
6 shoot automatically more than one shot without manual
7 reloading by a single function of a trigger." 26 United
8 States Code Section 5845(b.)

9 In Cargill the Supreme Court rejected the ATF's rule
10 that interpreted Section 5845(b) to include bump stocks as
11 machine guns because firearms with bump stocks "cannot fire
12 more than one shot by a single function of the trigger."
13 602 U.S. at 415.

14 "Between every shot the shooter must release
15 pressure from the trigger and allow it to reset before
16 re-engaging the trigger for another shot. A bump stock merely
17 reduces the amount of time that elapses between separate
18 functions of the trigger." That's Cargill at 421.

19 "The Supreme Court was clear that only the trigger
20 assembly is relevant when analyzing Section 5845's requirement
21 that multiple rounds be fired with the single function of a
22 trigger. The statutory definition hinges on how many shots
23 discharge when the shooter engages the trigger." That's
24 Cargill at 422.

25 A plain reading of Cargill and the statute reveals

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1 that Cargill does not alter the characterization of Exhibit 22
2 as a machine gun. Exhibit 22 had a selector that could be
3 placed in a distinct automatic firing position and it
4 contained the components to fire in three-round bursts. More
5 importantly, it fired more than one round automatically with a
6 single pull of the trigger in two test fires. The misfires
7 were attributable to the hammer-follow design.

8 The light primer strike in each of the unfired
9 cartridges indicates that a single function of the trigger
10 caused the firearm to operate in an automatic fashion. If the
11 firearm was not capable of automatic fire, the hammer would
12 not have been re-engaged and there would not have been light
13 primer strikes.

14 Defendant's claim that Exhibit 22 never fired
15 automatically is unavailing. There is no support for the
16 claim that the two instances in which Exhibit 22 fired
17 multiple rounds with a single function of the trigger were
18 misfires.

19 Instead, it is more likely that after numerous
20 attempts, the ATF -- it counters the argument by defendant
21 that instead it is more likely that after numerous attempts
22 the ATF, essentially, got the gun to misfire.

23 Instead, it appears more likely that the instances
24 where it fired one round in the automatic position were the
25 true misfires, considering the hammer-follow and light primer

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1 strikes. Contrary to defendant's assertion, Exhibit 22 did
2 fire automatically, unlike bump stocks, which require more
3 than a single function of the trigger.

4 "For bump stocks, a shooter must do more than pull
5 the trigger. The shooter must actively maintain just the
6 right amount of forward pressure." 602 U.S. at 424.

7 Exhibit 22 did not need anything more than the
8 single function of the trigger to fire more than one round.
9 And see that ATF report at 6.

10 Defendant's contentions that the ATF report is
11 silent about why Exhibit 22 fired only one round at times or
12 whether the agent used a different amount of pressure on the
13 gun to get the gun to shoot two bullets are red herrings.

14 As an initial matter, the ATF report was not silent
15 as to why it sometimes only fired one round. The
16 hammer-fall design is not always effective at detonating the
17 cartridge. See the ATF report at 5.

18 In any event, Section 5845 does not require such
19 analysis. All that matters is that the firearm discharged
20 more than one shot automatically by a single function of the
21 trigger and that the firearm was designed to do so.

22 Finally, Exhibit 22's lack of an auto sear does not
23 mean that it is not a machine gun. The Supreme Court's
24 discussion of auto sears, that's S-E-A-R-S, was restricted to
25 a single footnote; and even there the auto sear clearly was

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1 described as a sufficient, but not necessary, characteristic
2 for a machine gun. See Footnote 4 in Cargill at 602 U.S. 420.

3 As the Government notes, Exhibit 22 is capable of
4 automatic fire without an auto sear because of the
5 hammer-follow design. Cargill confirms the characterization
6 of Exhibit 22 as a machine gun because it fired more than one
7 round automatically with a single function of the trigger.

8 Accordingly, defendant's objection is overruled.

9 With these rulings, the sentence guideline range as
10 calculated by Probation is correct. There is a total offense
11 level of 21, a Criminal History Category of IV, and that
12 provides a sentence guideline range of 57 to 71.

13 I just do want to note one thing.

14 I know that there was a tremendous amount of
15 discussion about whether or not the 15 cylindrical objects
16 were actually silencers or not silencers. At the end of the
17 day, I agree with the Government, Probation agrees with the
18 Government, that, in fact, those did qualify as silencers and,
19 therefore, firearms under the guidelines and under the
20 statute.

21 Nonetheless, even if those silencers did not qualify
22 as firearms because there were already eight firearms that
23 were recovered here, the four-point enhancement would still
24 apply and there would be no change to the total offense level.

25 Aside from the objections that have already been

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1 made and addressed, are there any additional objections by the
2 Government?

3 MR. BUFORD: Not from the Government, Your Honor.

4 THE COURT: Ms. Glashausser.

5 MS. GLASHAUSSER: Your Honor, if I may. I'd just
6 like to make a brief record with respect to the rulings that
7 you've made. And I understand --

8 THE COURT: No, your papers have been very thorough
9 and very repetitive.

10 MS. GLASHAUSSER: But, Your Honor, with respect --
11 you just said that it -- the silencer decision wouldn't impact
12 the guidelines.

13 But, respectfully, that's -- I just want to make
14 sure that Your Honor also saw my argument with respect to the
15 partial frames and receivers --

16 THE COURT: I did, and it's overruled.

17 MS. GLASHAUSSER: And I just want to make sure in
18 the record because this case came out after Your Honor told
19 me not -- I couldn't put in additional cases, that the Supreme
20 Court subsequent to that decided in Loper Bright v Raimondo
21 that Chevron deference was no longer valid.

22 And with respect to reviewing the ATF's regulation,
23 which was interpreting the statute, which the Government
24 relies on with respect to that partial frame and receiver,
25 that the new Supreme Court case, which I had kind of mentioned

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1 in my argument as something that was pending, has been
2 decided. And that --

3 THE COURT: I considered it and rejected it.

4 MS. GLASHAUSSER: Thank you, Your Honor.

5 And just with respect to the machine gun argument, I
6 just want to make sure that the record is clear that I wasn't
7 solely objecting on Cargill. I had made an argument regarding
8 Ms. Sternquist's lack of intent with respect to the machine
9 gun from my initial PSR objection.

10 So, it wasn't simply -- Cargill was merely something
11 else that supported that argument, but that objection was
12 not --

13 THE COURT: I considered every argument that you
14 raised in connection with the application of any of those
15 enhancements and definitions.

16 MS. GLASHAUSSER: Thank you, Your Honor.

17 With respect to additional guideline objections --

18 THE COURT: Yes.

19 MS. GLASHAUSSER: -- we did object, as well, to the
20 Criminal History Category calculated in the pre-sentence
21 report.

22 THE COURT: Which I also rejected.

23 MS. GLASHAUSSER: Respectfully, Your Honor, just so
24 I am clear, is there --

25 THE COURT: It was fully explained in Probation's

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1 addendum, the initial addendum to the pre-sentence report,
2 very thoroughly addressed. And I concur with that analysis.

3 MS. GLASHAUSSER: I just want to be sure because one
4 of our objections relates to Ms. Sternquist's petty larceny
5 conviction.

6 THE COURT: I understand, and that point gets
7 assessed, as explained in the addendum.

8 MS. GLASHAUSSER: But the --

9 THE COURT: There is no need for us to spend two
10 hours here rehashing what's already been submitted by
11 Probation --

12 MS. GLASHAUSSER: I understand.

13 THE COURT: -- that I have adopted, which carefully
14 considered both the arguments that the Government made and
15 that defense counsel made.

16 MS. GLASHAUSSER: Understood, Your Honor.

17 THE COURT: The point gets counted.

18 Anything else?

19 MS. GLASHAUSSER: Nothing that's not in my papers,
20 Your Honor.

21 THE COURT: Okay. Thank you.

22 As amended by way of addendum, the Court adopts the
23 pre-sentence report.

24 So, we are at the point where I will turn the floor
25 over, if you will, to the lawyers, so that they can discuss

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1 their sentence recommendations and reasons for it.

2 We'll start with Mr. Buford for the Government.

3 And then, Ms. Glashauser, we'll hear from you.

4 And then, Ms. Sternquist, if you wish to make a
5 statement, I'll be happy to hear from you.

6 Mr. Buford, whenever you're ready.

7 MR. BUFORD: Thank you, Your Honor.

8 We don't have much more to say than what's in our
9 papers. Notwithstanding the defendant's two prior felony
10 convictions, she set about acquiring the parts necessary to
11 make multiple firearms, including assault-style rifles. Not
12 just one gun, but multiple guns, and one of which, in fact,
13 did fire automatically.

14 This is alarming conduct that was, obviously,
15 undertaken deliberately. And when considered in conjunction
16 with the fact that the defendant was also in possession of law
17 enforcement credentials with her name and identity -- again,
18 multiple such credentials – it's hard to think of a benign
19 explanation for what was happening.

20 The defense has suggested that this was for
21 self-defense, but a couple of things, in our view, cut against
22 that. One is just the number of the guns. The other is the
23 presence of the silencers, which, as we point out in our
24 papers, are not defensive weapons. These are weapons that are
25 offensive in nature, designed to muffle the sound of gunshots

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1 so that they go undetected.

2 When one looks, as we say in our papers, at the
3 overall trajectory of the defendant's criminal history, the
4 offenses appear to be increasing in severity. And -- and for
5 that reason, we believe a guidelines sentence is appropriate.

6 We acknowledge the defendant's health situation and
7 history here is a mitigating factor that is fair for the Court
8 to consider, but on balance, our assessment of the seriousness
9 of this conduct ultimately weighs in favor of a guidelines
10 sentence.

11 THE COURT: Thank you.

12 Ms. Glashauser.

13 MS. GLASHAUSER: Thank you, Your Honor.

14 Ms. Sternquist has been shackled to a bed in a
15 nursing home or a hospital for 23 months now. It has been, I
16 think, indescribably hard for her, both physically and
17 mentally. She had a life-threatening infection at the
18 beginning of this case because of MDC's lack of care, and then
19 the way they tried to provide care, that is likely to impact
20 her future ability to get gender affirming surgery.

21 She came to this case partially paralyzed, but with
22 the hope of regaining feeling in -- in her lower extremities,
23 but she's only had physical therapy while shackled, and a very
24 limited amount. She's made almost no progress in these two
25 years.

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1 She's in constant pain. And for the past,
2 approximately a month, where she's been moved around, she's
3 just missed many, many days of pain medication. Now she's
4 having a lower dose that kind of comes when it comes, and it
5 is very unclear how to fix that problem.

6 Meanwhile, she has a bowel tear that's untreated.
7 She's left sitting in her own urine and feces for hours on
8 end, and she's completely by herself. She's in conditions
9 that would be like being in solitary confinement, or I should
10 say she's by herself, except she is under watch twenty-four
11 hours a day by people who are not talking to her. So there's
12 no social interaction, but are watching her. So, there's no
13 privacy.

14 Psychologically, this has been extremely scary and
15 debilitating, and I've watched her mental health suffer.
16 Obviously, we've all watched her physical health suffer, but
17 her mental health, too. It's been so hard.

18 And I've struggled with this case because it's hard
19 to really put it into words. Even just visiting the
20 facilities -- the facilities that she's been shackled in have
21 been hard for me. They are not places that anyone would want
22 to be.

23 These things are all extremely alarming to me, that
24 that's how our system was set up to help somebody that really
25 needed physical care while she was incarcerated. But

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1 importantly, my hope for Your Honor is today is that because
2 of how hard it has been, this 23 months has had a really
3 outside effect on punishment and deterrence. And I know that
4 the Court has considered those things in the COVID era. This
5 is different, and in many ways way worse.

6 As Ms. Sternquist was explaining it to me just today
7 in talking about sentencing, she was saying, I cannot do this
8 again. And she -- she means so much by that, not just that
9 she cannot do something to land herself in this position, but
10 that she just can't physically put herself through this sort
11 of circumstance again.

12 That is something that I think Your Honor should
13 really strongly consider in assessing the goals of sentencing,
14 both the ones about punishment and deterrence, but also the
15 ones for the need for effective treatment. What
16 Ms. Sternquist really needs is treatment on the outside, in
17 the community, where she is able to do physical therapy where
18 she can actually try to move outside of her room. I mean,
19 right now she is just at standing up, but with that goal in
20 mind.

21 Briefly to address her -- her -- her conduct and
22 while we're here, the Government just said that it was hard to
23 think of an explanation and contemplate that this was
24 self-defense, but we have put in so much information to show
25 that this was for self-defense. And it's surprising to me to

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1 hear the Government still say the same things 23 months later
2 that they had on day one --

3 THE COURT: Where in the statute does it provide an
4 affirmative defense of self-defense for a felon to be in
5 possession of a firearm?

6 MS. GLASHAUSSER: I apologize, Your Honor. I
7 definitely don't mean that at all. I'm not -- I'm not -- I'm
8 not providing an affirmative defense and I am not excusing her
9 conduct.

10 THE COURT: Because I have had gang bangers sitting
11 right there in that seat who are involved in all kinds of
12 terrible crimes, they're going out, they're murdering people,
13 they're assaulting people, they're robbing drug dealers and so
14 on; and then I had to have the gun for self-defense. There is
15 no defense there either.

16 MS. GLASHAUSSER: Definitely, Your Honor. And I'm
17 not in any way suggesting that at all.

18 However, the Government has painted a totally
19 different picture of what happened here than the reality.

20 Ms. Sternquist had guns that she, a hundred percent,
21 should not have and were against the law and she was not
22 allowed to have, putting aside our Second Amendment argument.
23 But she had them out of a place of fear. She did not plan to
24 do anything like what the Government is suggesting,
25 speculating. And the Government knows that because they have

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1 gone through all of her electronic devices. She had a large
2 presence online. They have all of that information. And in
3 all of that information, they have never pointed to anything
4 that supports their theory.

5 Instead, we have presented it to Your Honor in
6 various -- at various points in our motions and sentencing
7 that they showed that she was scared and that she had these
8 guns out of that fear. She never had any ammunition. She had
9 no intention to do anything like what the Government is
10 suggesting.

11 With respect to the arguments about the number of
12 items she had, that's why I included those pictures of her
13 home. Ms. Sternquist, and I say this affectionately, is
14 really a quite -- she's a hoarder. Her home was full of
15 stuff. A collector is a nice way to say it, and I think
16 she -- she -- that's part of her personality. When she gets
17 into something, she tends to get many of those items.

18 THE COURT: But she has a history of collecting law
19 enforcement badges, false law enforcement badges for the CIA,
20 for the DEA, Department of Defense, the Navy, DEA, DEA Task
21 Force, U.S. Marshals, Food and Drug Administration. And in
22 her prior convictions for the same thing, for the very same
23 thing, two federal convictions for the same thing for having
24 those items, in addition to fake -- the driver's licenses from
25 different states, to having credit cards. Some of these

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1 things were stolen. And she was selling them online.

2 So, it goes beyond hoarding and it goes beyond
3 collecting.

4 And her Comic Con activities, her -- the play acting
5 and all of that that she engages in, those characters,
6 according to the letters and everything that was submitted in
7 the defense papers are for what? For Ghostbusters, Star Trek,
8 Dr. Who characters.

9 So, where in that mix are identifications for
10 U.S. Marshals Service, another agency for which she had badges
11 and false identification?

12 Hoarding does not explain that.

13 MS. GLASHAUSSER: So, hoarding and collecting
14 explains the numbers, Your Honor, and that's what I'm trying
15 to convey, that it -- that is not something that is more
16 alarming.

17 And the badges aren't -- are not related to her
18 convictions today. Those are -- that's a separate --

19 THE COURT: It's all relevant conduct and I can
20 consider that, the same way that I can consider dismissed
21 conduct.

22 MS. GLASHAUSSER: So, Your Honor I do not believe
23 it's relevant conduct or conduct, but I accept Your Honor's
24 ruling on that.

25 My underlying point is that Ms. Sternquist was

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1 somebody who was afraid for her life because of her basic
2 identity. She had been attacked on the street because she was
3 a transgender woman. The police did not help her. She'd been
4 attacked online, threatened with her life because of her
5 identity, and she was scared.

6 And that's not -- that's not to excuse her conduct,
7 but to explain it. And to also explain why this won't happen
8 again.

9 Today, Ms. Sternquist has, and knows she has, the
10 full support of her friends, two of whom are in the audience
11 today. Hannah, who she hopes to live with. And her friend
12 David, who wrote a letter to Your Honor as well. And she has
13 many other letters, as Your Honor read. More people planned
14 to be here, but were unable to travel for this -- just for
15 this particular day.

16 But she has that support and she also knows she has
17 it. She recognizes it and knows to rely on it, rather than
18 getting into this sort of isolation that she found herself in
19 before.

20 That conduct is not some -- is not conduct that
21 merits the sort of sentence that the Government is requesting,
22 that Probation is requesting, especially when considering her
23 conditions of confinement.

24 I apologize, Your Honor, I just want to see what
25 Ms. Sternquist has written to me.

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1 (Pause.)

2 MS. GLASHAUSSER: Ms. Sternquist's current
3 conditions, as dire as they have been, and her -- her -- her
4 paralysis shortly before her arrest are also just the latest
5 in a lifetime of extreme hardships.

6 Ms. Sternquist was born in jail. Her mother
7 abandoned her when she was a toddler and she's never been able
8 to find her.

9 She went to an all boys boarding school, which was
10 extremely difficult as -- as young Kara was then, knew that
11 she was a girl, but had to pretend to be a boy in an extremely
12 harsh environment. When that didn't work out for her, she was
13 sent overseas to a school where she was abused. And, yes, she
14 had a lot of trouble and had a criminal history in the years
15 following that.

16 Leading up to this case, though, she had gotten on
17 track. She had a decade of time where she was working, had
18 started to achieve some stability. And that is something that
19 she can get back to, she has the tools to get back to it and
20 she has the support to do so.

21 THE COURT: Well, why didn't that stability prevent
22 her from feeling the need to go out and get parts to make
23 ghost guns?

24 MS. GLASHAUSSER: Because of that fear that she had
25 been feeling at that time, and not relying on her support

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1 system in that time of her life.

2 THE COURT: And she also had an open felony case in
3 local court for criminal mischief as a felony.

4 And I could tell you, having been in the state court
5 system for 23 years, it's unusual to get criminal mischief as
6 a felony. Over \$30,000 in alleged damage to a storefront.

7 So, in that ten years it is not like it was
8 unblemished. She had an open case when she got arrested here.

9 MS. GLASHAUSSER: Yes, Your Honor, that --

10 THE COURT: Which is typical. She has one case
11 after another. While she's on bond on one case, she gets
12 arrested for something else. She violated every term of
13 supervised release in her federal convictions.

14 MS. GLASHAUSSER: So, the local case was resolved
15 with a disorderly conduct.

16 THE COURT: When?

17 MS. GLASHAUSSER: I -- during -- it was a number of
18 months ago, while she was at the nursing home. I facilitated
19 that with her -- her local lawyer. I could get Your Honor the
20 date, but I don't have it at my fingertips. It may be in the
21 PSR objections.

22 But, you're right, that was in the same time
23 period -- this is around the same time period leading up to
24 her arrest in this case, where she had a period of doing
25 extremely well, and was still doing extremely well at her job,

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1 and then had this -- fell into this fear. And that's why
2 we're here today.

3 But it -- I don't think it's fair to consider her
4 young -- her much younger life, where she was getting in --
5 where her criminal history is coming from, where her
6 convictions are coming from with who she is today. Because
7 who she is today --

8 THE COURT: She was no child when she got the
9 federal convictions.

10 MS. GLASHAUSSER: I'm not suggesting she was a
11 child, Your Honor, but there was a ten-year -- approximately
12 ten-year gap. Those prior convictions, she had not yet fully
13 come out as a woman. She was homeless at a number of points.
14 She was bouncing around between states with a complete lack of
15 stability.

16 And for her, fully coming out as a woman, being able
17 to live as herself, was an extremely important life turning
18 point, and one that was extremely hard in her family, that her
19 parents had a lot of trouble accepting, and were still -- her
20 mother was still working on that when she died.

21 It -- Kara is writing notes to me kind of
22 reiterating these same themes of how after her divorce that
23 she was feeling very lonely. And that she was threatened and
24 attacked. All of those things were leading up to the
25 conviction here -- to the conduct, the conduct here.

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1 Importantly, she is not -- that will not happen
2 again, and I think there are so many reasons why not. First
3 of all, Ms. Sternquist is now disabled, which happened shortly
4 before her arrest in this case. Her life had dramatically
5 changed shortly before she was arrested. She was just getting
6 used to how to handle that, how to address her partial
7 paralysis, how to try to get better, how -- how to live as
8 a -- with a disability.

9 And then -- and then she was arrested and has now
10 spent these 23 months with really nothing to think about,
11 nothing but her own thoughts rattling around in her head. And
12 occasionally, I was allowed to bring a book.

13 What Ms. Sternquist also said to me shortly before
14 coming up here, Your Honor, is this time spent shackled to the
15 bed for 23 months, it's been so dehumanizing that her real
16 hope for today was for Your Honor to see her as a human. And
17 not just as a human, but a full human being who is loving, who
18 is giving, who is there for her friends who are like her
19 family. And for Your Honor to see that really she needs to be
20 sent back to the community, to a new home with her friend
21 Hannah. And probably to a new rehabilitation facility, in all
22 likelihood, where she can start to heal her body and get back
23 on the track that she was on before.

24 So, I am urging Your Honor to really consider these
25 certainly uniquely hard conditions. In my practice, I've

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1 never experienced a case like Kara's.

2 And honestly, my whole office knows about it. It's
3 just -- it's such a sad situation visiting her and seeing her
4 there unable to move, but shackled to the bed, and in such
5 physical dire straits. And unable to even get basic
6 medication or medical appointments or see the doctors when she
7 needs to.

8 So, I am urging Your Honor to see that that is
9 enough in this circumstance to meet all of the goals of
10 sentencing. And that sending her to another BOP facility,
11 that would likely be similarly bad or bad in different ways,
12 would serve no goals of sentencing and would just physically
13 injure her more, while not making her better prepared to come
14 back to the community.

15 Despite all of that, Kara has been working with any
16 service that she gets. You know, at the original facility,
17 sometimes a social worker would come and talk to her from the
18 facility, and she always was open with them. When physical
19 therapy came, she was always ready to do it.

20 She has been focused on, even in her little room,
21 doing everything she can. Staying connected to her friends,
22 talking to them as much as she is allowed, to make sure that
23 she is ready to be the person that I know that she can be,
24 that her friends know that she can be, and I hope that Your
25 Honor can see.

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1 THE COURT: Thank you.

2 Ms. Sternquist, as I said, you have a right to make
3 a statement to the Court.

4 Do you wish to make a statement?

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Okay. You can take your time.

7 Did you write anything today?

8 THE DEFENDANT: It's been very difficult in the days
9 and weeks leading up to this, because of my medication
10 situation, for me to focus on anything to write. So --

11 MS. GLASHAUSSER: She planned to write something,
12 but with the move -- with the two moves --

13 THE COURT: Yes.

14 THE DEFENDANT: It's been difficult to put anything
15 in coherent words.

16 THE COURT: Okay. Just take your time.

17 THE DEFENDANT: But --

18 THE COURT: Take a deep breath and take your time.

19 THE DEFENDANT: -- one -- one part of the picture
20 that's been me -- painted of me is -- one side of the picture
21 that's been painted of me is in regards to the badges that I
22 had. I just wanted to clarify something. I never had any ill
23 intent. I want to make clear that I am not excusing any kind
24 of conduct or anything, just that the picture is not what it
25 appears to be.

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1 I have only ever wanted to give presentations to the
2 information security world in order to use the -- the
3 information that I had gained when I was younger and stupider
4 and since -- and got in trouble, to do good. To show people
5 security flaws and things like that.

6 It was a career move that I was hoping to make. It
7 was not an intention of doing something wrong, but I can
8 understand -- I can see how that picture got painted. And just --
9 that's just a brief side note in everything else.

10 I never -- I never wanted that to get confused with
11 what's real in my life. And what's real in my life is that my
12 mother just passed. I need to take care of my father.

13 I have -- I've been through every mistake that I've
14 made, every mistake that I've made leading up to this over and
15 over and over and over and over every day. And all I want to
16 do is do the right thing from now on.

17 I just -- I just want to take care of my family
18 while they're still there. I just -- I just want to get out
19 and -- and be with my dad, so that we can grieve my mom.
20 Every time I call him, he talks about how much he misses his
21 wife. And I'm really the only thing he has of his wife to
22 remember. I just want to be with him. I just want to be
23 there for him.

24 And I just don't have it in me to make mistakes like
25 I've made leading up to this case. Regardless of what picture

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1 is being painted, I can't take the chance to make mistakes
2 like this ever again. I don't have it in me physically. I
3 don't have it in me mentally. I don't have it in me
4 spiritually.

5 I cannot wind up doing more time as a criminal,
6 especially under these kind of circumstances. It's broken me.
7 It's broken me of any desire to do anything that I shouldn't
8 be doing.

9 All I want to do is be a contributing citizen to the
10 world, like I was trying my best to when I worked at the JCC,
11 when I worked with Make-A-Wish Foundation, when I worked with
12 the New York City Ghostbusters and other -- and other
13 organizations that I was in, that I was constantly trying to
14 give back with. I've only ever wanted to give back.

15 And I'm sorry. I'm sorry I let my fear run me. I'm
16 sorry I made so many mistakes because of that fear. I -- I
17 can't let myself be run by fear and live in fear like that
18 ever again. It will kill me and I don't want that.

19 I want a long, happy life with my friends and my
20 family. I just -- I just want to do what's right in the
21 world. I don't want to do anything wrong. I'm sorry that I
22 have had such a screwed-up past. I don't want to go back into
23 that past. I want to move on.

24 This time it's been so lonely and so difficult,
25 difficult on me just managing my pain. I have sat with a

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1 Level 7 to a Level 10 pain most days I've been incarcerated
2 during this time. And that -- living with that kind of pain
3 and living with the inhumanity of some of the things that I've
4 had to suffer through. I've had a stroke, I had a pulmonary
5 embolism, a life-threatening infection; and all because of my
6 disability and people's inability to care for me.

7 I -- I -- I cannot, I cannot do this again. It will
8 kill me and I don't want that. I want to live a long, happy
9 life doing the right thing all the time. All I want is to do
10 the right thing.

11 I'm sorry that -- that -- that -- the pictures being
12 painted are really screwed up. I -- I never intended that.
13 And it won't ever happen again because I won't let it happen
14 again. If I find myself living in fear because of threats, I
15 will rely on my family and friends to help me and to protect
16 me and keep me from making these kinds of mistakes again.

17 I -- I don't know what else to say, Your Honor. I
18 just -- I just want to do good in the world. I just want to
19 give back. I pay my taxes. I try to do my best. I try to
20 give back to every community I can. And I'm sorry I screwed
21 up in the middle of that.

22 The last ten years have been the best years of my
23 life and I don't want to go down the road that I went through
24 in my earlier years, when I was homeless and destitute and
25 just didn't have anybody. That was the worst time of my life.

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1 And I want to think that the best years are ahead of me, not
2 behind me.

3 I'm very sorry, Your Honor, for every mistake I've
4 made. I'm not always the best at making judgments, but I know
5 that relying on my friends and family to help me make good
6 judgments in the future will keep me off that path. And
7 that's all I want.

8 That's all I have to say, Your Honor.

9 THE COURT: Okay. All right. Thank you.

10 As I noted in the very beginning of this proceeding,
11 there is a lot that the Court has to take into consideration
12 in determining what is a reasonable sentence in this or in any
13 case.

14 We start with consideration of the advisory
15 sentencing guidelines, even though they are not mandatory, but
16 they are the starting point. We start with a calculation of
17 the guidelines range.

18 The Court also considers any policy considerations,
19 any departures that might be available, whether they go above
20 the guidelines or below the guidelines.

21 And the Court also has to consider what are called
22 3553(a) factors. And those factors, very simply, are goals
23 that Congress determined should be accomplished whenever a
24 federal judge imposes sentence. Those goals are what we call
25 factors, it's the same thing.

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1 And Congress put it in a statute in Title 18 of the
2 United States Code, Section 3553(a). That statute starts with
3 something called a parsimony clause that says that whatever
4 sentence the Court imposes should not be greater than
5 necessary to achieve those goals of sentencing.

6 Not every goal applies in every case. For example,
7 restitution is a goal, but restitution is inapplicable here.

8 The Court has considered the nature and
9 circumstances of the offenses here, the history and
10 characteristics of Ms. Sternquist, the defendant before the
11 Court.

12 The sentence should reflect the seriousness of the
13 offense, promote respect for the law, and provide just
14 punishment for the offense.

15 It should afford adequate deterrence to criminal
16 conduct generally in society as a whole, that's called general
17 deterrence. And to protect the public from any further crimes
18 that the defendant might commit, that's called specific
19 deterrence.

20 The sentence should provide a defendant with any
21 needed educational or vocational training, medical care, and
22 other correctional treatment in the most effective manner.

23 There was some discussion in the defense papers
24 about avoiding unwarranted sentencing disparity among
25 defendants; and in this case, would be among defendants

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1 charged with being felons-in-possession of a firearm.

2 I do have to say that there was a whole laundry list
3 of cases, but I am sure that the factual backgrounds of all of
4 those cases is quite varied. So, it is always difficult to
5 make a comparison when not doing a deep dive into the specific
6 background facts of each particular case.

7 There is no question that the offense here is
8 serious and this isn't just a run-of-the-mill
9 felon-in-possession of a firearm. What we have here is a
10 person who bought pieces online and created what are commonly
11 called now ghost guns, which provides -- which creates a
12 specific danger.

13 When those guns get out into the community, they are
14 not traceable. They do as much damage as a regular gun. And
15 there wasn't just one gun for self-defense, there were
16 multiple guns.

17 I've already made a finding that there were
18 silencers as well. Although not in a complete and final form,
19 but they were capable of being adapted for such.

20 And given all the letters that have been written in
21 support and testament to the intelligence and creativity of
22 Ms. Sternquist, and apparent handiness in creating things,
23 knowledge in welding, knowledge in working with metal, working
24 with wood, working with all sorts of things, it is not beyond
25 the imagination to think that – I think the estimate was what,

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1 five minutes – under five minutes to create a silencer
2 drilling where there was a dimple at the end.

3 But beyond that, the Court does have to take into
4 consideration the circumstances here and the investigation
5 leading up to the arrest here, and the finding of these law
6 enforcement badges of all the different agencies I mentioned
7 earlier. There were also passports, multiple passports.

8 There were also New York State drivers' licenses
9 with corresponding credit cards or -- in other words, names of
10 the same individuals. Those were legitimate New York State
11 drivers' licenses that had been either reported lost or
12 stolen. The same thing with the credit cards. And in one
13 case with one of the credit cards, there had been some
14 unauthorized charges or withdrawals.

15 So, it is beyond any understanding about how
16 possession of any of those items had to do with the
17 defendant's fear for her life. Especially, putting it in
18 context of her prior convictions.

19 And I'm not even going to go into all the earlier
20 convictions because, frankly, a Criminal History Category of
21 IV underestimates the defendant's criminal history here. And
22 she was treated rather leniently, for the most part.

23 But her two prior felony convictions that were in
24 federal court were for possession of similar items, so she
25 knew that that was illegal. She had been convicted twice of

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1 that. Twice. What's scary about the prior two convictions is
2 that she was selling them online.

3 And, in fact, in the second case, she was -- it
4 turns out, she was selling them to a federal undercover. And
5 in that second case -- I'll continue when you're ready to pay
6 attention.

7 MS. GLASHAUSSER: We are paying attention, Your
8 Honor. I was taking a note of what you were saying.

9 THE COURT: You were having conversation.

10 MS. GLASHAUSSER: I'm sorry, Your Honor. I was
11 just -- I meant no disrespect in any way. I'm listening very
12 intently and noting things down.

13 THE COURT: In that second case, the defendant was
14 also selling New York State birth certificates, blank birth
15 certificates, which the undercover managed to buy.

16 And in an age where we have already suffered in this
17 country terrorist attacks, and continued to have to deal with
18 that specter hanging over our heads, I don't understand for
19 the life of me why people forget that we lost more than thirty
20 -- 3,000 American lives on 9/11, right here on our soil.

21 To have identifications like that available on an
22 open internet market is a scary thing.

23 And then you add to that ghost guns that cannot be
24 traced. And I'm sorry, but eight firearms are not for
25 self-defense. And as I said before, it is not a defense.

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1 There is no affirmative defense for being a felon-in-
2 possession of a firearm. And Ms. Sternquist knew she was --
3 had two felony convictions.

4 Of concern, too, one of the letters from one of the
5 supporters, who happens to be an employee of GSA working on
6 secured access for federal buildings, was taking the defendant
7 along on jobs and teaching her about secured access. And the
8 defendant was coming up with ideas on how to fix systems and
9 so on. As she, herself, said, fixing weaknesses.

10 Well, the whole idea of having phony law enforcement
11 badges and ghost guns in the hands of somebody who is aware of
12 security weaknesses in federal buildings is a frightening
13 prospect.

14 And some of the websites that she was on were very
15 clearly expressing anti-law enforcement sentiment. And there
16 is no doubt that given the horrors, because they are --
17 concededly, they are horrors that she went through at the
18 military academy as a kid, in the Navy, it's horrific. No one
19 should have gone through that for any reason. But the Navy
20 was another agency that she had phony ID badges for. And it
21 is not a far stretch to think that she might have a slight axe
22 to grind with the Navy or even with NYPD for their failure to
23 protect in her time of need, which also is unconscionable,
24 that should not have happened. As the saying goes, two wrongs
25 don't make a right.

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1 And you're asking the Court to take on faith, on
2 blind faith at that, that Ms. Sternquist is going to comply
3 with whatever conditions the Court places on her, when she has
4 clearly demonstrated an utter lack of ability to do that.

5 While on bond she committed new crimes, sometimes
6 several crimes.

7 She failed to comply with the conditions of
8 supervised release in her first federal conviction, resulting
9 in additional jail time, which is part of the reason why she
10 got three points for that conviction. And then she got 12
11 months for that, plus additional jail time, four months for
12 the violation of supervised release.

13 And I have to say, given my experience, twenty years
14 on this court, it is not often that defendants get sentenced
15 to jail time for a violation of supervised release. It takes
16 a serious violation of the Court's trust for that to happen.

17 And then she has a second conviction where she's
18 sentenced to 27 months in federal court. Again, for the same
19 thing. And she gets violated again, this time for six months'
20 jail time, because she couldn't comply with the conditions.

21 There is absolutely no doubt that the conditions at
22 the MDC are horrible. We see that documented every day almost
23 these days. The medical treatment is terrible. I have been
24 on the verge of holding them in contempt myself on other
25 cases, as counsel well knows. And I certainly have taken that

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1 into consideration.

2 And, quite frankly, but for the fact that
3 Ms. Sternquist does have the conditions that she has, I would
4 have considered a significant upward variance from the
5 guideline range as a sentence in this case. But she has,
6 indeed, as counsel has stated on the record, both orally and
7 in the submissions, suffered more than the average inmate has
8 suffered.

9 That being said, a sentence of time served is not
10 appropriate in this case under all of these circumstances.
11 And a sentence at the lower end of the guideline range is
12 appropriate.

13 And the Court imposes a sentence of 60 months, with
14 three years of supervised release to follow, with the
15 following special conditions:

16 The defendant must submit her person, property,
17 house, residence, vehicle, papers, computers, other electronic
18 communications or data storage devices or media or office to a
19 search conducted by a United States Probation officer.
20 Failure to submit to a search may be grounds for revocation of
21 release.

22 The defendant shall warn any other occupants that
23 the premises may be subject to searches pursuant to this
24 condition. An officer may conduct a search pursuant to this
25 condition only when reasonable suspicion exists that the

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1 defendant has violated a condition of his supervision and that
2 the areas to be searched contain evidence of this violation.
3 Any search must be conducted at a reasonable time and in a
4 reasonable manner.

5 In addition, the defendant shall participate in a
6 mental health evaluation; and, if necessary, a treatment
7 program as approved by Probation, and contribute to the costs
8 of such services rendered and/or any psychotropic medications
9 prescribed to the degree that she is reasonably able, and
10 cooperate in securing any applicable third-party payment and
11 disclose all financial information and documents to Probation
12 to assess the ability to pay.

13 You may not possess any firearm, ammunition or
14 destructive device.

15 I am advising you, as you should be very well aware
16 at this juncture, given the charge here, that as having now
17 the third felony conviction, that you are a person who is
18 prohibited from possessing a firearm. If you are found to be
19 in possession of a firearm, you may be subjected to a sentence
20 of up to 15 years.

21 If you do possess a firearm while on supervised
22 release, you may be sentenced to additional jail time. And
23 that sentence would run consecutive to any jail term imposed
24 for the actual offense of being a felon-in-possession of a
25 firearm.

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1 I do want to say this. That, again, I have read
2 everything that has been submitted by the parties and all the
3 arguments made by the defense. And even if the defendant's
4 criminal history and total offense level should be as proposed
5 by the defense, in this Court's view, the sentence of
6 60 months under all of the circumstances is appropriate here.

7 THE DEFENDANT: You might as well sentence me to
8 death.

9 THE COURT: Now, Ms. Glashausser, I did have some
10 thoughts about recommendations to the Bureau of Prisons. I
11 did want to make a recommendation that Ms. Sternquist be
12 assigned to a medical facility; Devens, Butner, and I keep
13 forgetting, there is one out in the midwest that happens to be
14 particularly good, but I'm forgetting now the name of the
15 facility.

16 But I think if, in general, I ask that she be
17 assigned to, specifically to a medical facility, number one;
18 and number two, that the Bureau of Prisons ensure that she is
19 given her gender-affirming treatment and other treatment as
20 medically necessary.

21 MS. GLASHAUSSER: Yes, Your Honor.

22 However, I would ask Your Honor to order that she,
23 or recommend that she be at a women's medical facility. The
24 ones you have mentioned are, I understand, only men's
25 facilities and --

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1 THE COURT: Oh, okay.

2 MS. GLASHAUSSER: -- there is a women's facility in
3 Texas.

4 THE COURT: It's --

5 MS. GLASHAUSSER: Carswell, I believe --

6 THE COURT: Yes.

7 MS. GLASHAUSSER: -- it's a medical facility.

8 THE COURT: Yes. Yes, Carswell.

9 MS. GLASHAUSSER: And I believe there's another --
10 there's -- a Lexington medical facility that has a women's
11 section as well. Those are the only two women's facilities --

12 THE COURT: Right. Okay.

13 MS. GLASHAUSSER: -- I am aware of.

14 THE COURT: All right. So, I will make that
15 recommendation as to those two facilities.

16 And, again, the Bureau of Prisons is directed to
17 provide her gender-affirming treatment and other treatment as
18 necessary.

19 Mr. Buford, I am still concerned about the surgery
20 business because it -- this has been going on since February.
21 It's August, and I don't think she's been evaluated yet for
22 the surgery.

23 Correct, Ms. Glashausser?

24 MS. GLASHAUSSER: That's right. She has a bowel
25 tear --

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1 THE COURT: Right.

2 MS. GLASHAUSSER: -- that she's had for many, many
3 months and she has not gone to see the doctor to have what
4 they believe is the surgery.

5 THE COURT: I don't understand what the delay has
6 been.

7 So, if I could get a report, like, by Wednesday.

8 MR. BUFORD: Yes, Your Honor.

9 THE COURT: And tell that medical director at the
10 MDC that if he doesn't want to be held in contempt, that he
11 needs to get on the stick about this.

12 MR. BUFORD: Understood, Your Honor.

13 THE COURT: What's his name, Bialor?

14 MR. BUFORD: Dr. Bialor, yes.

15 THE COURT: Bialor, yes.

16 There is no fine, due to inability to pay.

17 Restitution is not applicable.

18 The other counts had already been dismissed
19 previously. There are no open counts, correct?

20 MR. BUFORD: That's correct, Your Honor.

21 THE COURT: And as I said, the forfeiture order will
22 be attached to the Judgment and Commitment Order.

23 You are advised, Ms. Sternquist, that you are
24 entitled to appeal from the sentence and judgment of the
25 Court. If you do wish to appeal, you must do so within

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1 14 days of the final entry of judgment.

2 You may be entitled to be represented by counsel on
3 appeal. If you cannot afford counsel, you may ask for counsel
4 to be appointed for you at no cost to you. And, of course, if
5 you cannot afford the fees and the costs of the appeal, you
6 may ask for leave to proceed by way of poor person relief.

7 Ms. Glashauser, I am going to ask that you stay on
8 for that 14-day period and file a notice on behalf of your
9 client, if that's what she wants to do.

10 MS. GLASHAUSER: Yes, Your Honor, I will.

11 And if now is an appropriate time, I'd like to note
12 my objection to the sentence as both procedurally and
13 substantively unreasonable. It is much greater than
14 necessary.

15 And with respect to the guidelines --

16 THE COURT: You can save it for your appeal.

17 MS. GLASHAUSER: Yes, Your Honor --

18 THE COURT: Your objection is noted.

19 MS. GLASHAUSER: Just with --

20 THE COURT: That is the sentence of the Court.

21 MS. GLASHAUSER: I understand, Your Honor.

22 THE COURT: You can appeal.

23 MS. GLASHAUSER: Yes, Your Honor.

24 The Court of Appeals does look to whether there's an
25 objection below.

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1 And the decision with respect to the length of her
2 sentence was based on a determination, in part, that various
3 items did count as guns. So, those are related directly to
4 the guidelines issues.

5 And I also just want to make sure that --

6 THE COURT: Which have been preserved for appeal,
7 given your objections and given my rulings.

8 MS. GLASHAUSSER: I also just want to make sure that
9 the Court -- I objected to the search condition in my papers,
10 and object to --

11 THE COURT: You did object to the search condition,
12 but given the fact that the internet was used to access the
13 pieces that were purchased, and were purchased online to
14 create the firearms, a search condition for electronic devices
15 is most appropriate here, as is a search condition for the
16 apartment. And it is justified by the facts of this case.

17 Is there anything else, Christy?

18 THE COURTRoom DEPUTY: I don't believe so, Judge.

19 THE COURT: All right.

20 Is there anything further from the parties?

21 MR. BUFORD: Not from the Government, Your Honor.

22 THE DEFENDANT: Just execute me.

23 MS. GLASHAUSSER: Your Honor, Ms. Sternquist has not
24 been getting her medications at the facility. So, if Your
25 Honor could, in addition -- I appreciate the order about her

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1 bowel tear, but her -- her pain medication and her hormone
2 medication --

3 THE COURT: What is going on with that?

4 THE DEFENDANT: Just execute me.

5 MR. BUFORD: Your Honor, the update that we got from
6 the clinical director at the facility was that Ms. Sternquist
7 is being provided Oxycodone as needed. They have started her,
8 as I understand it, on other pain medications to include
9 Gabapentin and Lyrica with the --

10 THE COURT: But I don't understand why it was
11 necessary for them to change the regimen that she was already
12 on, given that she was at the other facility for so much
13 longer and they had already --

14 THE DEFENDANT: I was always on Gabapentin.

15 THE COURT: -- made assessment of her condition?

16 MR. BUFORD: It -- my understanding, Your Honor, is
17 that some of the new facilities expressed concern at the
18 dosage, given that it's opioids that are being used for the
19 pain medication, and wanted to proceed deliberately.

20 I understand Dr. Bialor was consulting with them,
21 urging them to adopt the previous regimen. There was some
22 hesitation given the dosages, and that's what I understand
23 that they're working through now.

24 THE COURT: Can you follow up on that and include
25 that in the update by next Wednesday, please?

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1 MR. BUFORD: Yes, Your Honor.

2 THE COURT: Okay. All right. You may take charge.
3 Thank you.

4 THE DEFENDANT: Just execute me. It would be a lot
5 cheaper. Just have them put a bullet in my brain right here.

6 (Defendant exited the courtroom.)

7 THE COURT: Ms. Glashausser, is she going to have to
8 be put on some suicide watch now?

9 MS. GLASHAUSSER: She's watched twenty-four hours a
10 day, Your Honor.

11 THE COURT: Okay.

12 (Matter adjourned.)

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19 I certify that the foregoing is a correct transcript from the
record of proceedings in the above-entitled matter.

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21

/s/ Stacy A. Mace

August 2, 2024

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STACY A. MACE

DATE

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